IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CRMPM No.158 of 2007

Decided on: March 20, 2007

State of H.P. **.....Petitioner.**

VERSUS

Sunil Vaidya **.....Respondent.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?

For the Petitioner : **Mr. Ashok Chaudhary, Additional Advocate General.**

For the respondent : **Nemo.**

Surjit Singh, Judge (Oral)

Heard and gone through the record.

2. The respondent, who was sent up for trial for causing an accident, while driving a jeep, allegedly in a rash or negligent manner, which resulted in injuries to one Joginder Singh, who was riding pillion of a scooter, has been acquitted on the ground that the identity of the driver of the offending vehicle has not been established.

3. PW-1 Bhag Chand was driving the scooter and his brother Joginder Singh was riding the pillion when the jeep, allegedly being driven by the accused-respondent, rammed into the scooter. Bhag Chand, PW-1, stated that he came to know about the name of the driver of the vehicle on the next following day. PW-2 Joginder Singh, the injured, says that the name of the accused-respondent was disclosed to him by PW-1 Bhag Chand, as the driver was known

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Whether the reporters of the local papers may be allowed to see the judgment?

to him. However, as already noticed above, Bhag Chand has not stated that the driver was known to him, because he has specifically stated that he came to know about the name of the driver on the next following day, which leaves no scope for an interpretation other than the one that the accused-respondent was not known to Bhag Chand from before. In the FIR lodged by Bhag Chand, accused-respondent is not named. His name was disclosed to the police, a day after the lodging of the FIR.

4. Looking to the abovestated position, I do not think that this is a fit case where the leave of the Court to file an appeal may be granted. Hence, the application is dismissed.

March 20, 2007(sd) **(Surjit Singh), J.**